

*SC NAACP v. Alexander,*  
D.S.C. Case No. 3:21-cv-03302-MGL-TJH-RMG

# Exhibit H

Page 1

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

THE SOUTH CAROLINA  
STATE CONFERENCE OF  
THE NAACP, et al,

**Plaintiffs,**

vs. CASE NO. \_\_\_\_\_

3:21-CV-03302-MBS-TJH-RMG

THOMAS C. ALEXANDER,  
et al.

## Defendants.

## VIDEOCONFERENCE

DEPOSITION OF: WILLIAM ROBERTS

DATE: July 7, 2022

TIME: 9:35 a.m.

**LOCATION:** 1310 Gadsden Street

## Mahogany Conference Room

Columbia, SC

**TAKEN BY:** Counsel for the Plaintiffs

REPORTED BY: ERIC GLAZIER, Court Reporter

Page 2

1 APPEARANCES OF COUNSEL VIA VIDEOCONFERENCE:  
2

3 ATTORNEYS FOR THE PLAINTIFFS:  
4

NAACP LEGAL DEFENSE AND EDUCATIONAL  
FUND  
BY: JOHN S. CUSICK  
40 Rector Street  
5th Floor  
New York, NY 10006  
(212) 965-2269  
Jcusick@naacpldf.org

8 and  
9

10 AMERICAN CIVIL LIBERTIES UNION  
BY: ADRIEL CEPEDA DERIEUX  
125 Broad Street  
11 18th Floor  
12 New York, NY 10004  
(212) 549-2500  
13 Acepedaderieux@aclu.org

14 ATTORNEYS FOR DEFENDANTS  
15

16 THOMAS C. ALEXANDER, in his official  
17 capacity as President of the Senate;  
18 LUKE A. RANKIN, in his official  
19 capacity as Chairman of the Senate  
20 Judiciary Committee:  
21 ROBINSON GRAY  
22 BY: ROBERT E. TYSON  
23 1310 Gadsden Street  
Columbia, SC 29201  
(803) 929-1400  
24 Rtyson@robinsongray.com

25 and  
21

22 JONES DAY  
23 BY: JOHN M. GORE  
51 Louisiana Avenue NW  
Washington, DC 20001  
Jmgore@jonesday.com

Page 3

1 ATTORNEYS FOR DEFENDANTS

2 JAMES H. LUCAS, in his official  
3 capacity as Speaker of the House of  
4 Representatives; CHRIS MURPHY, in his  
5 official capacity as Chairman of the  
6 House of Representatives Judiciary  
7 Committee; WALLACE H. JORDAN, in his  
8 official capacity as Chairman of the  
9 House of Representatives Elections Law  
10 Subcommittee:

11 NEXSEN PRUET  
12 BY: ANDREW MATHIAS  
13 104 South Main Street  
14 Suite 900  
15 Greenville, SC 29601  
16 (864) 282-1195  
17 Amathias@nexsenpaltet.com

18 ATTORNEYS FOR DEFENDANTS

19 JOHN WELLS, Chair, JOANNE DAY, CLIFFORD  
20 J. EDLER, LINDA McCALL, and SCOTT  
21 MOSELEY, in their official capacities  
22 as members of the South Carolina  
23 Election Commission:

24 BURR & FORMAN  
25 BY: JANE W. TRINKLEY  
1221 Main Street  
Suite 1800  
Columbia, SC 29201  
(803) 753-3241  
Jtrinkley@burr.com  
Mburchstead@burr.com

26 ALSO PRESENT VIA VIDEOCONFERENCE:

27 MARGARET LEATHERWOOD  
28 CYNDI NYGORD

29 (INDEX AT REAR OF TRANSCRIPT)

Page 4

## PROCEEDINGS

- - - - -

**COURT REPORTER:** The attorneys

participating in this deposition acknowledge that the reporter is not physically present in the deposition room and that the reporter will be reporting this deposition remotely.

They further acknowledge that in lieu of an oath administered in person, I will administer the oath remotely.

If any party has an objection to this manner of reporting, please state it now.

Hearing none, I will proceed.

**WILLIAM ROBERTS,**

being first duly sworn, testified as follows:

## **EXAMINATION**

BY MR. CUSICK:

Q. Good morning, Mr. Roberts. My name is John Cusick. I'm one of the attorneys representing the plaintiffs in this lawsuit, The South Carolina State Conference of the NAACP vs. Alexander.

If you don't mind, could you please state your full name for the record, spelling your first and last name?

A. My name is William Francis Roberts, Jr.

Page 5

1       W-I-L-L-I-A-M is the first name. Last name is  
2       Roberts, R-O-B-E-R-T-S.

3           Q. Great. Thank you.

4           MR. CUSICK: And I'll just take a  
5       moment now, if everybody in the virtual room, if  
6       you will, who is planning to make an appearance,  
7       will do so in a moment.

8           And I'll start with any of your counsel  
9       in your room, Mr. Roberts.

10          MR. GORE: Good morning. This is John  
11       Gore of Jones Day for senate defendants Rankin and  
12       Alexander.

13          MR. TYSON: And Rob Tyson. I'm with  
14       John and Will.

15          MR. MATHIAS: And this is Andrew  
16       Mathias with Nexsen Pruet on behalf of the  
17       individual house defendants. With me in the room  
18       is Meg Leatherwood, who's a Georgetown law student  
19       and summer associate with us at Nexsen Pruet.

20          MS. TRINKLEY: This is Jane Trinkley  
21       with Burr & Forman. I represent the election  
22       defendants.

23          MR. DERIEUX: Hi. This is Adriel  
24       Cepeda of the ACLU, also representing the  
25       plaintiffs.

Page 54

1 A. Okay. Just me and Breeden John.

2 Q. And who did you primarily seek input  
3 and instructions from when you were drawing maps?

4 A. That would have been Charlie Terreni  
5 and Andy Fiffick.

6 Q. Did Mr. Terreni at all create a binder  
7 during the redistricting process with information?

8 A. That I don't know.

9 Q. Do you recall any senators having a  
10 binder of information related to redistricting?

11 A. All senate members were given a binder  
12 of information on redistricting prior to the -- or  
13 at the subcommittee and full committee meetings.

14 Q. And who prepared that binder?

15 A. That would have been judiciary staff.

16 Q. Were there any weekly meetings with the  
17 redistricting members, like Mr. Terreni or other  
18 staff members, for congressional redistricting?

19 A. We met daily for a long time, working  
20 out maps and discussing congressional  
21 redistricting.

22 Q. On a weekly basis, biweekly?

23 A. I can't recall.

24 Q. What was involved in those meetings,  
25 generally?

1           A. It would have been the judiciary staff  
2           and Charlie Terreni.

3           Q. And just so we're on the same page for  
4           the staff moving forward, that's Mr. Fiffick, would  
5           that include Ms. Faulk?

6           A. She was in and out of these meetings,  
7           as well as Maura Baker was in and out sometimes.  
8           Really it was Charlie, Andy, Paula, Breeden, and  
9           myself.

10          Q. Were any other attorneys outside of  
11           Mr. Terreni involved in any of these discussions?

12          A. Mr. Gore, sitting next to me.

13          Q. And when did Mr. Gore's involvement  
14           begin for congressional redistricting?

15          A. I don't remember the exact date.

16          Q. Did you have any regular meetings with  
17           members of the redistricting subcommittee that  
18           weren't -- during their -- that weren't public?

19          A. Can you repeat the question, please?

20          Q. Did you have any meetings with any  
21           members of the redistricting subcommittee?

22          A. We did. We had -- we did have meetings  
23           with some of the members.

24          Q. I know you recalled you can't remember  
25           when the weekly meetings were with the core

1       redistricting team. Are there any documents or  
2       documentation of when those meetings occurred?

3           A. I didn't take any notes during the  
4       meetings.

5           Q. Do you recall if anyone else took  
6       notes?

7           A. I can't recall who did or who didn't.

8           Q. Do you know who would know?

9           A. You'd have to ask each member of the  
10       committee if they took notes, or the redistricting  
11       committee, the technical committee, I guess you'd  
12       call it.

13           Q. So, I guess, to drill down a little bit  
14       on the timeline, you were hired for the position  
15       with the senate as a cartographer roughly two years  
16       ago; is that right?

17           A. That's correct, 2020.

18           Q. And during that first year, 2020 till  
19       2021, who were you regularly meeting with?

20           A. Would have been Charlie Terreni and  
21       Andy Fiffick.

22           Q. And that's it?

23           A. That's all I can recall.

24           Q. And then you testified that Mr. Gore at  
25       some point joined some of those meetings

Page 57

1 beginning -- do you recall if it was before maps  
2 were proposed?

3 A. I can't recall.

4 Q. Do you know who would be able to  
5 recall?

6 A. Either Andy Fiffick or Charlie Terreni.

7 Q. And you don't have any general  
8 recollection if it was -- if Mr. Gore joined before  
9 census data was released?

10 A. I couldn't tell you if it was before or  
11 after.

12 Q. What about before any maps were  
13 publically shared by the senate?

14 A. I couldn't tell you if it was before or  
15 after.

16 Q. Did you have a calendar invite for  
17 those meetings?

18 A. I couldn't tell you. I'd have to go  
19 back and look at my calendar.

20 Q. Did you turn over the calendar invites  
21 for these meetings as part of the request from  
22 counsel?

23 A. I'm not sure. They would have been  
24 included in the emails, I believe.

25 Q. Who sent out the calendar invites for

1 these meetings?

2 A. If it was a Zoom call, it's typically  
3 Breeden John.

4 Q. When was Mr. John first hired?

5 A. I don't recall when he was first hired.

6 Q. Do you recall how many meetings  
7 Mr. Gore joined --

8 A. I don't recall.

9 Q. -- regarding congressional  
10 redistricting?

11 A. I don't recall.

12 Q. More than three?

13 A. I couldn't say, because he was also  
14 involved in the senate redistricting, so I couldn't  
15 tell you at all how many he...

16 Q. Did he participate in person?

17 A. No, just via Zoom.

18 Q. When did the process for creating  
19 congressional maps begin?

20 A. I can't give you -- can't give you an  
21 exact date.

22 Q. What about a month?

23 A. I just -- I can't recall.

24 Q. Do you understand why Mr. Gore was  
25 included in these weekly meetings?

Page 59

1           A. I didn't hire him, so I have no idea.

2           Q. Did you have any understanding of his  
3           role in the meetings that you were participating  
4           in?

5           A. I believe he was there to give legal  
6           advice.

7           Q. Were there any other attorneys outside  
8           of Mr. Gore and Mr. Terreni that were considered  
9           outside counsel?

10          A. Not that I can recall.

11          Q. I'll now move on to some questions  
12          about the senate redistricting criteria and  
13          guidelines. This is in -- it's labeled Tab 4 in  
14          SharePoint. It'll be labeled Plaintiff's  
15          Exhibit 4. It's titled, The 2021 Redistricting  
16          Guidelines, dated -- with adopted September 17,  
17          2021, with Bates stamp numbering South Carolina  
18          Senate ending in 3721.

19           Give me one moment to just put it into  
20          Exhibit Share, Exhibit -- and I'll pull that up on  
21          the screen.

22           (PLF. EXHIBIT 4, 2021 REDISTRICTING  
23          GUIDELINES, was marked for identification.)

24          BY MR. CUSICK:

25          Q. Can you see this document okay,

Page 60

1 Mr. Roberts? Or if it's easier in front of you...

2 A. We've got it pulled up.

3 Q. What's your understanding of this  
4 document?

5 A. Can I review and read this document  
6 before I answer?

7 Q. Yeah, sure.

8 A. Okay. Can you repeat the question,  
9 please?

10 Q. Sorry, just to take one step back, did  
11 you review this document at all in preparation for  
12 today's deposition?

13 A. I've seen it before, but have not read  
14 it.

15 Q. When you say you have not read it, that  
16 includes the entire redistricting process?

17 A. Repeat the question, please.

18 Q. You said that you skimmed it before,  
19 but have not read this document?

20 A. That's correct.

21 Q. And so did you at all become aware of  
22 this document during the congressional  
23 redistricting cycle?

24 A. Yes. This is --

25 Q. Did you rely on --

Page 61

1 A. I'm sorry. Go ahead.

2 Q. No, no, sorry. Go ahead.

3 A. Yeah, this was -- this document was  
4 created prior to the start of the redistricting  
5 process.

6 Q. Did it guide your work in drawing maps?

7 A. These were the guidelines that were  
8 adopted by the subcommittee, yes.

9 Q. And so did you review it as you were  
10 drawing maps?

11 A. Not -- (inaudible)

12 Q. Sorry. I don't know -- it might  
13 have -- came in and out for me. I didn't hear what  
14 you said.

15 A. Not as we were drawing maps, did we go  
16 back to this document to review the document.

17 Q. Did you review it before you drew any  
18 congressional maps?

19 A. This was -- (inaudible)

20 (Off-the-record conference to address a  
21 technical issue)

22 BY MR. CUSICK:

23 Q. Mr. Roberts, during the break, did you  
24 have any conversation with your attorneys about  
25 this deposition?

Page 62

1 A. Not about the deposition, no.

2 Q. I'm going to pull back up the --

3 Plaintiff's Exhibit 4, which is the 2021  
4 redistricting guidelines that were adopted by the  
5 senate on September 17, 2021. It might make  
6 sense -- I'll begin with my first -- the first  
7 question again.

8 Did you at all review this document  
9 before drawing any maps for congressional districts  
10 or congressional maps?

11 A. I did look at this document prior to  
12 drawing maps.

13 Q. Sorry, I don't know if that was me.  
14 Could you repeat that answer again?

15 A. Said, yes, we did look at this prior to  
16 drawing maps, from what I remember.

17 Q. And when you say, we, who are you  
18 referring to?

19 A. It would have been Paula Benson, Andy  
20 Fiffick, Charlie Terreni, and myself, and Breeden  
21 John as well.

22 Q. Did you have any involvement or role in  
23 creating these guidelines?

24 A. No. That was primarily Paula Benson's  
25 responsibility, from what I can remember, this

Page 63

1 document.

2 (Off-the-record conference to address a  
3 technical issue)

4 BY MR. CUSICK:

5 Q. On the screen, we have Plaintiff's  
6 Exhibit 4, which are the 2021 redistricting  
7 guidelines.

8 I believe, Mr. Roberts, before we just  
9 went off record, you had mentioned that you,  
10 Mr. Fiffick, and Mr. Terreni had reviewed these  
11 guidelines at some point before drawing any  
12 congressional maps or districts?

13 (Off-the-record conference to address a  
14 technical issue)

15 A. That's correct.

16 Q. And I believe before, you had mentioned  
17 you were not at all involved in the creation of  
18 these guidelines?

19 A. No, I was not.

20 Q. How did these guidelines impact the  
21 drawing of congressional districts for your work?

22 A. These are the guidelines that we were  
23 to use to draw the redistricting plans.

24 Q. After initially reviewing the document,  
25 did you look to this document to make assessments

Page 64

1 of any maps that you drew?

2 A. To figure out if the maps that we were  
3 drawing complied with this, that was something the  
4 attorneys would have looked at, not myself.

5 Q. Got it.

6 Did you create or rely on any  
7 additional documents to supplement this criteria?

8 A. Not that I can recall.

9 Q. Were you given any other documents  
10 related to redistricting criteria?

11 A. I believe that there was a letter  
12 submitted by Senator Harpootlian at one point.  
13 That was probably the only other document that I  
14 recall that revolved around the guidelines.

15 Q. Did you receive any other instructions  
16 about criteria that you should focus on when  
17 drawing maps?

18 A. Yes, for the congressional districts,  
19 we did.

20 Q. And what were those instructions?

21 A. The instructions were, don't touch the  
22 seventh congressional district, Congressman Clyburn  
23 wanted a minimal-change plan, and Congressman Joe  
24 Wilson didn't want to go to Beaufort; he wanted to  
25 keep Fort Jackson.

1                   Q. Who provided the instruction to not  
2 touch Congressional District Seven?

3                   A. That would come from either Andy  
4 Fiffick or Senator Rankin. I don't recall which  
5 one.

6                   Q. What about the -- I think you mentioned  
7 a minimal change by either Representative Clyburn  
8 or someone in his office?

9                   A. That's correct. That came straight  
10 from Dalton Tresvant when we had a meeting with  
11 him.

12                  Q. Did you remain in contact with him  
13 during congressional map drawing?

14                  A. I believe the only conversation we had  
15 was at that meeting, and that would have been all  
16 my contact with him, I believe, that I can recall.

17                  Q. And then you said from Representative  
18 Wilson, the instruction not to include Beaufort in  
19 Congressional District Two?

20                  A. That's correct, and keep Fort Jackson.

21                  Q. How did you weight these instructions  
22 based on the other criteria that had been adopted  
23 by the senate and was within the congressional  
24 guidelines?

25                  A. That wasn't a call for me to make, on

Page 66

1 the -- on which had priority.

2 Q. Whose call would that have been?

3 A. Either the members or Charlie Terreni  
4 or Andy Fiffick.

5 Q. Outside of those three instructions,  
6 were there any others given by Mr. Fiffick,  
7 Mr. Terreni, or any other outside counsel?

8 A. Not that I recall at this moment.

9 Q. Do you know who would know if there  
10 were any additional instructions?

11 A. That would have been either Andy or  
12 Charlie.

13 Q. In each map you drew, did you follow  
14 each one of these three instructions?

15 A. Not on each map we drew, no.

16 Q. What did you make of the instruction  
17 not to touch Congressional District Seven?

18 A. Can you repeat the question?

19 Q. What was your assessment of the  
20 instruction not to touch Congressional District  
21 Seven?

22 A. Just to balance the population and make  
23 no drastic changes to the district.

24 Q. And so under Roman numeral one, the --  
25 in the middle of the page here that I have

Page 165

1 before it was released or not.

2 Q. Do you think it would have been helpful  
3 to seek their input before it was released?

4 A. It could have been, but then it  
5 wouldn't have been a staff plan. It would have  
6 been a senator -- a senate plan.

7 Q. Got it.

8 So the designation that it's a staff  
9 subcommittee plan indicates no senators'  
10 involvement in it?

11 A. Not with the congressional districts,  
12 no.

13 Q. Who had the responsibility for  
14 assessing and reviewing this plan before it was  
15 publicly posted to see if it complied with  
16 redistricting criteria?

17 A. That would have been the attorneys.

18 Q. Including Mr. Gore?

19 A. I don't know exactly -- he was sought  
20 for legal advice. I just don't recall -- I wasn't  
21 privy to a lot of those conversations, as it dealt  
22 with attorney information. So I wasn't involved in  
23 a lot of those conversations.

24 Q. Were you at all involved in any  
25 conversations about compliance with redistricting

1 criteria that didn't involve legal questions?

2 A. Not that I can recall.

3 Q. Do you know if any assessment of  
4 whether this map complied with the Voting Rights  
5 Act was conducted?

6 A. I have no idea.

7 Q. Did you take any steps from a technical  
8 side to ensure that this map complied with  
9 redistricting criteria?

10 A. We ran a continuity check on it to make  
11 sure everything was contiguous according to the  
12 software algorithm, made sure that everything was  
13 also assigned so there was no unassigned population  
14 in the map. And that's all I can recall at this  
15 moment.

16 Q. Even if you didn't conduct an RPV  
17 analysis, do you know if any was contemplated or  
18 conducted on this map, or for this map?

19 A. I don't know.

20 Q. Have you heard the term, effectiveness  
21 analysis?

22 A. No, I have not.

23 Q. If I explained it as a study of two or  
24 more redistricting plans using a set of metrics to  
25 assess opportunities for voters, does that at all

Page 167

1 seem consistent or accurate with anything you've  
2 heard about it?

3 A. Can you say that one more time?

4 Q. I guess maybe a simpler way is, were  
5 there any assessments conducted that compared two  
6 maps for how they might perform for certain voters?

7 A. We did compare -- we did do sheets and  
8 reports comparing this map to the benchmark map.

9 Q. On what metrics for the comparison  
10 purposes?

11 A. Looked at population, looked at racial  
12 make-up of the districts, as well as partisan  
13 numbers.

14 Q. And for the partisan numbers, was that  
15 based on the 2020 presidential elections?

16 A. Primarily, yes.

17 Q. Any other elections?

18 A. We did have 2016 data, but I don't  
19 believe it was used in any kind of analysis.

20 Q. We talked earlier about assessments to  
21 see if maps might perform for racial minorities to  
22 elect candidates of their choice.

23 Do you recall that discussion?

24 A. Yes.

25 Q. Were any assessments along those lines